

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed October 26, 2005. At the time of the Final Office Action, Claims 1-25 were pending in this Application. Claims 1-25 were rejected. Claim 12 has been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1-25 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,859,882 issued to Henry T. Fung ("Fung"). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Claims 1-11

Independent Claim 1 recites a computer system that includes, among other, elements, a "power management engine associated with the power supplies, the power management engine operable to adjust the power supplies to optimize power consumption." (Emphasis Added.)

Applicants have previously argued that Fung fails to disclose teach or suggest the adjustment of power supply elements to optimize power consumption. In response, Examiner has cited to Col. 37, line 1 of Fung as teaching the adjustment of the power supplies.

However, Applicants note that the following portion of Fung is pertinent to the optimization cited by Examiner:

As general multi-power management policy it is observed based on analytical and empirical data, that there is a certain power consumption overhead associated with each server device and that it is therefore generally preferred to operate a minimum number of server modules at near their maximum output (Mode 1). When a single device approaches its capacity, other server devices are brought up from a Mode 3 to Mode 2 or Mode 1 operation. Frequently, the two servers than on line would each operate in Mode 2 until further performance is needed, at which time one would be brought to Mode 1 operation. This is merely an example scenario and many other alternative control strategies may be applied. Clearly, there is a bodies [sic] of knowledge for both open-loop and feed-back based control that may be used by those skill in the art to optimize or near-optimize some weighted combination of performance and power conservation.

Col. 36, line 54 - Col. 37, line 3. The paragraph above describes an example of the management of servers in different operating modes (Mode 1, 2 or 3) in order to optimize power conservation and performance. However, this portion of Fung provides no disclosure, teaching or suggestion with respect to adjusting power supplies to optimize power consumption. Because Claim 1 clearly includes limitations directed to the management of power supplies (and not to the management of servers or other consumers of power) in order to optimize power consumption, Fung cannot anticipate Independent Claim 1.

Independent Claims 12-25

As amended, Independent Claim 12 recites a method for strategic power sequencing that includes, among other steps, “receiving a predicted demand requirement ... and adjusting the number of operating power supplies... .” Independent Claim 22 recites a method for managing power consumption in a computer system that includes, among other steps, “predicting future demand requirements ... adjusting the power supplies in advance... .”

Applicants previously argued that Fung fails to teach the adjustment of power supplies based upon a predicted demand requirement. The Examiner, in turn has cited to the following portion of Fung (Col. 64, line 64-et seq.) as teaching this aspect of the claimed embodiments:

The computer system in embodiment (3), wherein: the first mode operation is characterized by operating the processor at a first processor clock frequency and a first processor core voltage, the second mode operation is characterized by operating the processor at a second processor clock frequency and a second processor core

voltage, and the third mode of operation is characterized by operating the processor at a third processor clock frequency and a third processor core voltage; the second mode of operation being further characterized in that the second processor clock frequency and the second processor core voltage in combination consuming less power than the first processor clock frequency and the first processor core voltage in combination, and the third processor clock frequency and the third processor core voltage in combination consuming less power than the second processor clock frequency and the second processor core voltage in combination.

Applicants respectfully submit that the cited portion above describes different operating modes of a server and the comparative power consumption of each operating mode. However, nothing within this section provides any disclosure, teaching or suggestion with respect to either the prediction of future demand (that may require a change in processing resources) or to the adjustment of power supplies to accommodate the predicted demand, as recited. As discussed above, the teachings of Fung relate to the operation and management of the servers, not to the management of power supplies. Accordingly, Applicants submit that Examiner has failed to show that Independent Claims 12 and 22 are anticipated by Fung.

For at least these reasons, Applicants respectfully request reconsideration, withdrawal of the rejections under §102 and full allowance of Independent Claims 1, 12 and 22 and Claim 2-20, 13-21 and 23-25 that depend therefrom.

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CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-25 as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
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